

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19436 of 2020

1.Magesh
2.Rakesh Kumar .. Petitioners

Vs.

The State rep. by
The Inspector of Police
Korattur Police Station
Chennai
Crime No.270 of 2020 .. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.270 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Dhayashankar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 324 and 506(ii) of IPC, in Crime No.270 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the de-facto complainant, as a result of which, the petitioners abused and assaulted the de-facto complainant with knife and thereby caused injuries.

3. The learned counsel for the petitioners would submit that this is the second application for anticipatory bail and earlier, this Court had granted anticipatory bail to the petitioners in Crl.O.P No.6794 of 2020 on 17.07.2020, but they were unable to execute the sureties in time and thereafter, they have filed a petition seeking for extension of time in Crl.M.P

No.6630 of 2020 and that petition was also dismissed by this Court on 02.11.2020. Hence, the petitioners have come forward with the present petition seeking for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that this is the second application for anticipatory bail and earlier, this Court had granted anticipatory bail to the petitioners and due to non-execution of sureties, time got lapsed.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are directed to pay a sum of Rs.2,000/- (Rupees two thousand only) to the District Legal Aid Services Authority, Chennai, and on such payment, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORATTUR POLICE STATION,
CHENNAI-600080

5 THE MEMBER SECRETARY,
DISTRICT LEGAL AID SERVICES AUTHORITY,
CHENNAI

+1CC to M/S G.DHAYASHANKAR Advocate on payment of necessary charges SR NO.8071

WEB COPY

CRL OP.19436/2020

Date :10/12/2020

MK:16/12/2020